

To: Office of the County Administrator
From: Katie Short, Director; Amber Weed, Chief of Staff and Policy Director;
Ramin Naderi, Analyst; Laila Elimam, Analyst
CC: Fire Marshal Laurie Christensen and Assistant Chief Rodney Reed, Fire
Marshal's Office; Jeff Goalen, Sheronda Drew, and Jessica Roeber, Office
of Management and Budget; Elizabeth Doss, Tax Assessor-Collector's
Office; Sarah Hodges, County Attorney's Office
Date: September 1, 2022
Re: **Emergency Services Districts (ESDs)**

EXECUTIVE SUMMARY

In February 2022, in collaboration with and to help support the Harris County Fire Marshal's Office (HCFMO), the Harris County Commissioners Court's Analyst's Office (the "Analyst's Office") explored policy options to aid with ensuring communities in Harris County have consistent and reliable access to emergency services. The scope for this project includes the following elements:

- "Provide an overview of statute and decisions that authorize local ESDs
 - Include summary of statewide advocacy body
 - Include discussion of local Fire Marshal's relationship with ESDs
- Summarize existing ESDs
 - Include, for each, date created, services provided (e.g. fire, EMS), communities served, the annual budget, tax revenue received
 - Include, if applicable, a summary of communities where services are provided but tax revenue is not received
- Summarize examples where changes in service provision threatened the availability of services to communities
- Propose policy options to address any change in the provision of services."

Emergency services districts (ESDs) are special purpose districts that provide critical fire and/or emergency medical services to communities in unincorporated areas. Special purpose districts are areas created to provide certain judicial, political, electoral, or administrative services, and are given the ability to levy taxes, sell property, issue bonds, and engage in other transactions or activities. Most communities that receive ESD services are within the tax boundaries of an ESD, although an ESD may provide services to communities outside of its tax boundaries.

Harris County covers 1,777 square miles and has a population of 4,731,145, with approximately 1.97 million residents living in the County's unincorporated area. There are currently 33 ESDs in unincorporated Harris County. Seven districts provide emergency medical services (EMS) services only; 16 districts provide fire only; and 10 districts provide both EMS and fire services. Currently, 1.8% of Harris County parcels are not located in a municipality and do not pay taxes to an ESD.¹

¹ This includes parcels in/around the Houston Ship Channel which operate in an "Industrial District". This area receives fire/EMS services through private contracts.

In accordance with Texas statute, ESDs within counties with populations of over three million, which includes Harris County, are required to hold elections for the ESD board commissioners. Harris County is currently one of only three counties in Texas, in addition to Orange and Smith counties, mandated to have their ESD board members elected by residents of the ESD for an ESD located wholly in a county.

The 33 ESDs in Harris County collect revenue to fund operations through voter-approved ad valorem (property) taxes. Twenty-five out of the 33 ESDs in Harris County also collect revenue through a sales tax. For Harris County's 33 ESDs:

- Annual budgets in FY2021 range from \$121,509 (ESD 19: Eastex VFD, Sheldon VFD) to \$107,615,342 (ESD 9: Cy-Fair VFD).
- ESD No. 15 (Tomball FD), which reports the highest total tax revenue per capita in TY2021, also reports the highest adopted annual budget per capita in CY2021, at \$321 per resident. (ESD No. 15 serves the smallest population of all 33 ESDs, with 9,069 residents.)
- ESD No. 9 (Cy-Fair VFD) has the highest population served, at 950,942 residents, and has a total tax revenue per capita of \$69 and an adopted budget per capita of \$113.

In the event of changes in service coverage, the Harris County Commissioners Court may consider the following:

- **Support changes to the Texas Health and Safety Code to help ensure provision of services through Harris County's 2023 Legislative Agenda.** Request Intergovernmental and Global Affairs (IGA) to place language on the County's 2023 Legislative Agenda identical, or with similar intent, to the section titled "Emergency Services in Extraterritorial Jurisdictions" found on Harris County's 2021-2022 Legislative Agenda.
- **Consider funding Fire/EMS services.** The Commissioners Court and other organizations may consider alternative funding for fire/EMS services in unincorporated areas not covered by an ESD, similar to Travis County's use of an agreement with the City of Austin for the provision of EMS services for the entire County.
- **Encourage establishing and funding firefighting and EMS services through an existing water district.** Support unincorporated communities in the County in requesting the establishment and funding of firefighting and EMS services through their existing water district, similar to the strategy previously implemented in McNair, an unincorporated area in east central Harris County.

The Analyst's Office acknowledges the Harris County Attorney's Office (CAO), Tax Assessor-Collector's Office, the Office of Management and Budget (OMB), and the Harris County Fire Marshal's Office for their significant contributions to this memo.

INTRODUCTION

In February 2022, in collaboration with and to help support the Harris County Fire Marshal's Office, the Harris County Commissioners Court's Analyst's Office (the "Analyst's Office") explored policy options to aid with ensuring communities in Harris County have consistent and reliable access to emergency services. The scope for this project includes the following elements:

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Emergency services districts (ESDs) are special purpose districts that provide critical emergency services to communities in unincorporated areas.¹ Special purpose districts are created to provide certain judicial, political, electoral, or administrative services, and are given the ability to levy taxes, sell property, issue bonds, and engage in other transactions or activities.² Most communities that receive ESD services are within the tax boundaries of an ESD, although an ESD may provide services to communities outside of its tax boundaries.³

METHODOLOGY

The methodology of this memo includes a review of Texas statute, the Texas Constitution, previous bills filed during the last six regular Texas legislative sessions associated with ESDs, reports and articles on ESDs in Harris County, information published by the Texas Association of Fire and Emergency Districts (SAFE-D), and information provided by individual Harris County ESD websites.

Information on Harris County ESDs' ad valorem taxes was provided by the Harris County Tax Assessor-Collector's Office, while information regarding ESD's sales and use tax was collected from the Texas Comptroller of Public Accounts. ESD jurisdictions and estimated populations served were acquired from the Harris County's Applied Technologies Location Analysis and Statistics (ATLAS) System.

The Harris County Attorney's Office (CAO) completed a review of all Texas statute referenced in this memo.

The Analyst's Office also conducted interviews with key stakeholders, including the Harris County Fire Marshal's Office (HCFMO) and four Harris County ESDs (ESD No. 4, 9, 20, and 46).ⁱⁱ Additional interviews were conducted with Fire Marshal's Offices from

ⁱⁱ The Analyst's Office received the names of fire chiefs of four Harris County ESDs from the Harris County Fire Marshal's Office.

three Texas counties (Bexar, Orange, and Smith) and the Travis County Executive of Emergency Services to learn more about service coverage in their respective counties. Orange and Smith Counties were selected as they are the only other two counties in Texas, besides Harris County, that require their ESD Board of Commissioner members to be elected by residents for an ESD located wholly in one county. Bexar and Travis Counties were selected as two of the five largest counties in the State of Texas.ⁱⁱⁱ

BACKGROUND

Texas statute and Constitution define the role of county fire marshals' offices, special purpose districts, and specifically, emergency services districts, and two statewide bodies aid with overseeing and coordinating ESDs, the Texas Division of Emergency Management (TDEM) and the Texas Association of Fire and Emergency Districts (SAFE-D).

Fire Protection Services in Texas Statute. According to Texas statute, a commissioners court of a county may provide fire protection or firefighting equipment to county residents or residents of an adjoining county who do not live in a municipality through levying and collecting taxes or contracting with a municipality to use their firefighting equipment.^{iv 4} A county commissioners court is also permitted to provide general fund dollars to contract with an incorporated volunteer fire department (VFD) located within the county to provide services to an area that is located outside of a municipality within the county.⁵

Authorizing Statute and Responsibilities of the County Fire Marshal's Office. A county fire marshal's office may be established by the county's commissioners court, which also appoints a county fire marshal, whose term of office is two years (a fire marshal may serve more than one term).^{v 6 7}

Responsibilities of a county fire marshal's office include various fire protection activities and education, including arson investigation of fires; maintenance of records and investigations of arson, if suspected; inspection and reviews of plans for fire hazards; and inspection of group homes in certain counties, including Harris County.⁸

A county fire marshal is designated as a peace officer, which offers them certain arresting powers under the Texas Code of Criminal Procedure.^{9 10} According to Texas statute, a law enforcement agency "means a governmental agency that employs a peace officer", therefore making a county fire marshal the head of a law enforcement agency.¹¹

In addition, a county fire marshal may be certified as a head of a county suppression fire department, allowing them to engage in firefighting activities such as incident command, directing firefighting activities, and confined space and hazardous materials response.¹² A county fire marshal may also be certified as head of a county prevention

ⁱⁱⁱ Dallas and Tarrant County are excluded from the analysis because they have zero and one ESDs, respectively.

^{iv} Per Section 352.001 of the Texas Local Government Code.

^v Per Section 352.011 of the Texas Local Government Code.

only fire department, indicating that they hold a Texas Commission on Fire Protection certification as a fire inspector, fire investigator, or arson investigator.^{vi 13}

The county fire marshal's office is required by statute to cooperate with other fire protection agencies and provide training for first responders through assistance to rural fire prevention districts or emergency services districts located wholly or partially in the county that request assistance.¹⁴

Overview of Special Districts. Special purpose districts (also called special districts) in Texas are independent political subdivisions created with the purpose of administering select services related to infrastructure, medical services, firefighting services, education, water conservation, and utilities, among others.¹⁵ There are thousands of special purpose districts in the State of Texas, which are afforded significant authority; including the ability to acquire, purchase, sell, or lease property; engage in litigation; levy and collect taxes; issue bonds; borrow money; contract with other entities; and in some cases, use eminent domain.^{16 17} Special purpose districts include, but are not limited to, emergency services districts, independent school districts, hospital districts, and municipal utility districts, and may be supported by property tax, sales tax or user fees, or debt issuance.^{18 19} Authorization for the creation of special districts for limited services is provided in Section 52 of Article III of the Texas Constitution.²⁰

The majority of special purpose districts levy property taxes while certain types of districts may also levy sales and use tax ("sales tax").²¹ In most cases, special purpose districts are governed by the commissioners court of the county in which they are located, or by a board of directors.²²

Overview of Emergency Services Districts (ESDs). Emergency services districts (ESDs) are political subdivisions of the State that support or provide local emergency services, including emergency medical services and rural fire protection services.²³ There are over 300 ESDs in the State of Texas.²⁴ ESDs are designed to ensure adequate and reliable funding of local emergency services and to fund those services through tax revenue collected from the residents they serve.²⁵

An ESD may use tax revenue collected to provide services to residents directly or through a contract with an independent service provider.²⁶ ESDs may hire full-time emergency personnel, contract with entities that have full-time fire and emergency medical departments, and/or purchase new equipment.²⁷ They may also contract with volunteer fire and emergency medical services departments. Authorization of emergency services districts (ESDs) is provided in Section 48-e, Article III of the Texas Constitution.²⁸

In 2003, the Texas Legislature approved a constitutional amendment revoking the constitutional authority for the creation of rural fire prevention districts as well as the associated statute.^{vii} In tandem, the Legislature passed Senate Bill 1021, which converted all rural fire prevention districts into emergency services districts.²⁹

^{vi} Harris County Fire Marshal Laurie Christensen holds certifications as both head of a county suppression and prevention fire department.

^{vii} Chapter 794 of the Health and Safety Code regarding Rural Fire Prevention Districts, which was revoked by the Texas Legislature's constitutional amendment in 2003.

Establishment of an Emergency Services District (ESD). According to Texas statute, the establishment of an ESD includes:³⁰

- 1.) **Petition.** For a proposed ESD that will be located wholly in one county, the county judge of the county in which the ESD will be located must receive a petition signed by “at least 100 qualified voters who own taxable real property in the proposed district. If there are fewer than 100 of those voters, the petition must be signed by a majority of those voters.”^{viii 31}
- 2.) **Filing/Hearing.** Received petitions are to be filed with the county clerk and a hearing is to be scheduled at the next regular or special session of the commissioners court. The petition is presented to the county commissioners court, a public hearing regarding the creation is held, and the commissioners court votes to grant, fix the boundaries, impose conditions negotiated under statute, or deny the petition based on the feasibility of the request.^{ix 32}
- 3.) **Election.** Once a petition is approved by the commissioners court, “the commissioners court shall order an election to confirm the district’s creation and authorize the imposition of a tax.”^{x xi 33}
- 4.) **Creation.** An ESD is created if a majority of the votes cast in the election “favor creation of the district.”^{xii 34}

Structure and Governance of an Emergency Services District. ESDs are governed by a five-member board of commissioners who serve two-year terms and are appointed by the commissioners court of the county the district is created in.^{xiii 35}

According to statute, certain counties are required to have their ESD board of commissioners elected by the residents living in the ESD for ESDs located wholly in a county.³⁶ This requirement applies to counties that:

- Have a population more than three million;
- Have a population of more than 200,000 that borders Lake Palestine; or,
- Have a population of less than 200,000, that borders another state and the Gulf Intercoastal Waterway.^{xiv}

At this time, the only counties in Texas that meet the requirements to have their ESD board of commissioners elected instead of appointed, for an ESD located wholly in one county, are Harris, Smith, and Orange Counties. ESD commissioners in these counties serve four-year terms.³⁷

The board of an ESD is required to hold monthly meetings; keep minutes and recordings of their proceedings; provide reports required by the state fire marshal

^{viii} Per Section 775.011 of the Texas Health and Safety Code.

^{ix} Per Sections 775.015–775.017 of the Texas Health and Safety Code.

^x Per Section 775.018 of the Texas Health and Safety Code.

^{xi} Article 48-e states “Laws may be enacted to provide for the establishment and creation of special districts to provide emergency services and to authorize the commissioners courts of participating counties to levy a tax on the ad valorem property situated in said districts not to exceed Ten Cents (10¢) on the One Hundred Dollars (\$100.00) valuation for the support thereof; provided that no tax shall be levied in support of said districts until approved by a vote of the qualified voters residing therein. Such a district may provide emergency medical services, emergency ambulance services, rural fire prevention and control services.

^{xii} Per Section 775.019 of the Texas Health and Safety Code.

^{xiii} Per Section 775.034 of the Texas Health and Safety Code.

^{xiv} Per Section 775.0345 of the Texas Health and Safety Code.

office, commissioner of health, and other authorized persons; and on written request from the county commissioners court of a county the district is located in, provide a written report regarding the ESD's budget, tax rate, and debt service.^{xv 38}

Emergency Services District Taxing Authority. The taxing authority for emergency services districts is primarily established through Section 48-e of Article III of the Texas Constitution.³⁹ Section 48-e authorizes that laws may be enacted by a county's commissioners court for the "establishment and creation of special purpose districts to provide emergency services" and "the commissioners courts of participating counties to levy a tax on the ad valorem property situated in said districts not to exceed Ten Cents (10¢) on the One Hundred Dollars (\$100.00) valuation for the support thereof" if the tax is approved by qualified voters living in the districts.⁴⁰

In addition, ESDs are allowed to fund their services through sales tax. Municipalities may levy additional sales taxes up to 2% on top of the State-wide 6.25%, so that the maximum combined tax rate does not exceed 8.25%.⁴¹ If a municipality has not dedicated all of its 2% sales tax allowance to either general revenue or a dedicated purpose, then the remaining percentage up to the 8.25% may be available for use by an ESD.⁴² In 2019, a new law passed allowing for a sales tax to be applied to sales made by companies without a physical presence in the state. The "Marketplace Sales tax" is now part of the sales tax that ESDs may collect.⁴³

Emergency Services Districts (ESD) Statewide Bodies. There are two statewide bodies that interact with ESDs: the Texas Division of Emergency Management (TDEM) and the Texas Association of Fire and Emergency Districts (SAFE-D).

TDEM serves solely as a resource for the county in which an ESD is located, whereas SAFE-D serves as an advocate and resource for ESDs for the establishment and maintenance of ESDs.

Texas Division of Emergency Management (TDEM). The TDEM oversees and coordinates the state emergency management program, which supports state and local governments to respond to and recover from emergencies. Part of this process involves implementing plans to increase awareness among the public about threats and hazards; provide training for local officials and emergency responders; and administer disaster recovery and hazard mitigation throughout the State. The TDEM is housed under the Texas A&M University System.⁴⁴

ESDs are required to provide an annual report to the TDEM on or before January 1 of each year.⁴⁵ The report must include contact information and term of office for each commissioner; contact information and term of office of the ESD's general manger; executive director, and fire chief; and the ESD's annual budget and tax rate for the preceding fiscal year.⁴⁶ Through an agreement between the TDEM and SAFE-D, annual ESD reports are collected by an online system developed by SAFE-D and all reports received by January 1 of each year are then transmitted to the TDEM.⁴⁷

^{xv} Per Section 775.036 of the Texas Health and Safety Code.

Texas Association of Fire and Emergency Districts (SAFE-D). SAFE-D is a statewide advocacy body whose primary purposes is to improve, protect, and promote fire and emergency services within the state of Texas. It is not a formal part of the State government, and instead is an organization supported by memberships which ESDs may voluntarily join.⁴⁸

Water Districts. According to Texas statute, districts providing potable water or sewer services may choose to “establish, operate, and maintain, finance with ad valorem taxes, mandatory fees, or voluntary contributions, and issue bonds for a fire department to perform all firefighting services within the district” either autonomously or in collaboration with another entity or political subdivision.⁴⁹ Water districts may also contract with another person to provide firefighting services within the district.^{xvi 50}

EMERGENCY SERVICES DISTRICTS IN HARRIS COUNTY

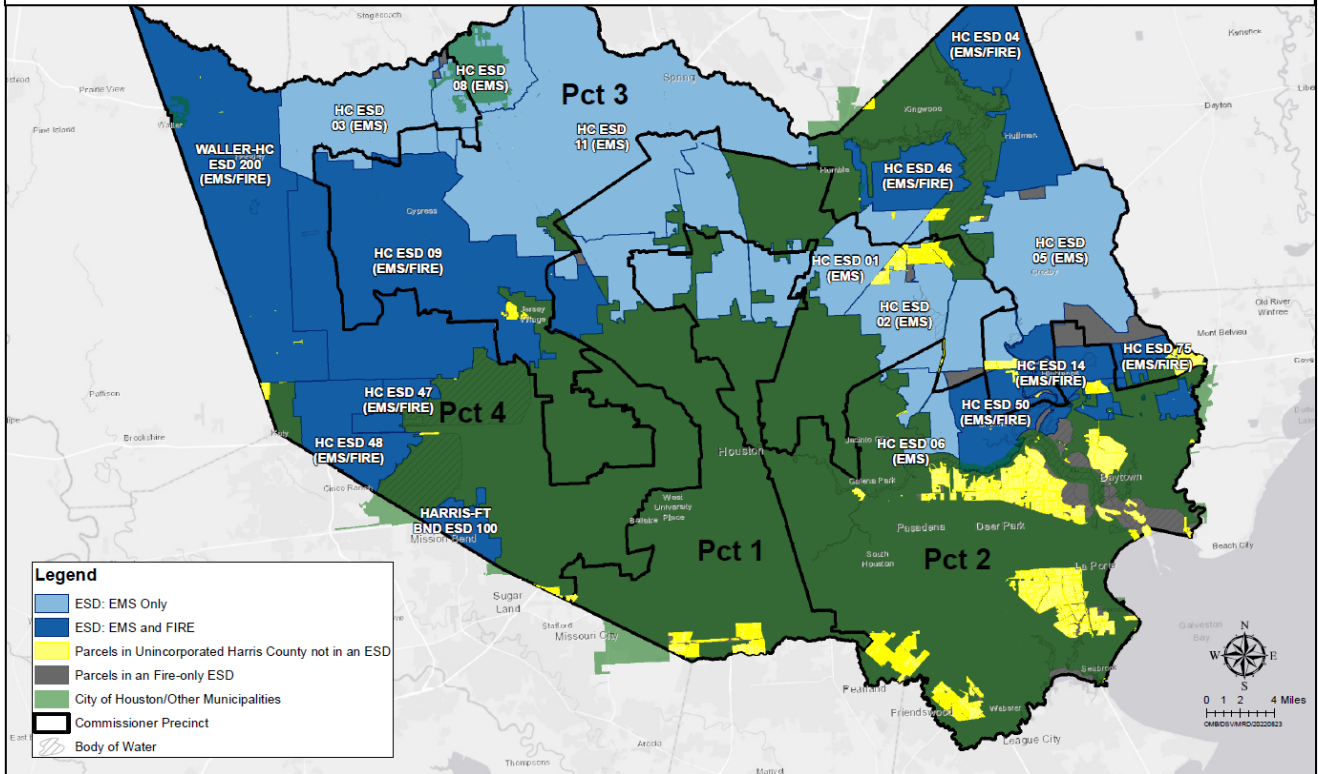
Harris County covers 1,777 square miles and has a population of 4,731,145, with approximately 1.97 million residents living in its unincorporated areas.^{51 52} There are currently 33 ESDs in unincorporated Harris County. Seven districts provide emergency medical services (EMS) services only; 16 districts provide fire only; and 10 districts provide both EMS and fire services.⁵³

Figure 1 identifies the coverage area for EMS only and fire/EMS ESDs in unincorporated Harris County, as well as the City of Houston and other municipalities located in Harris County. Figure 1 also identifies parcels in unincorporated Harris County that do not currently pay taxes to an ESD.

^{xvi} Per Section 49.351 of the Texas Water Code.

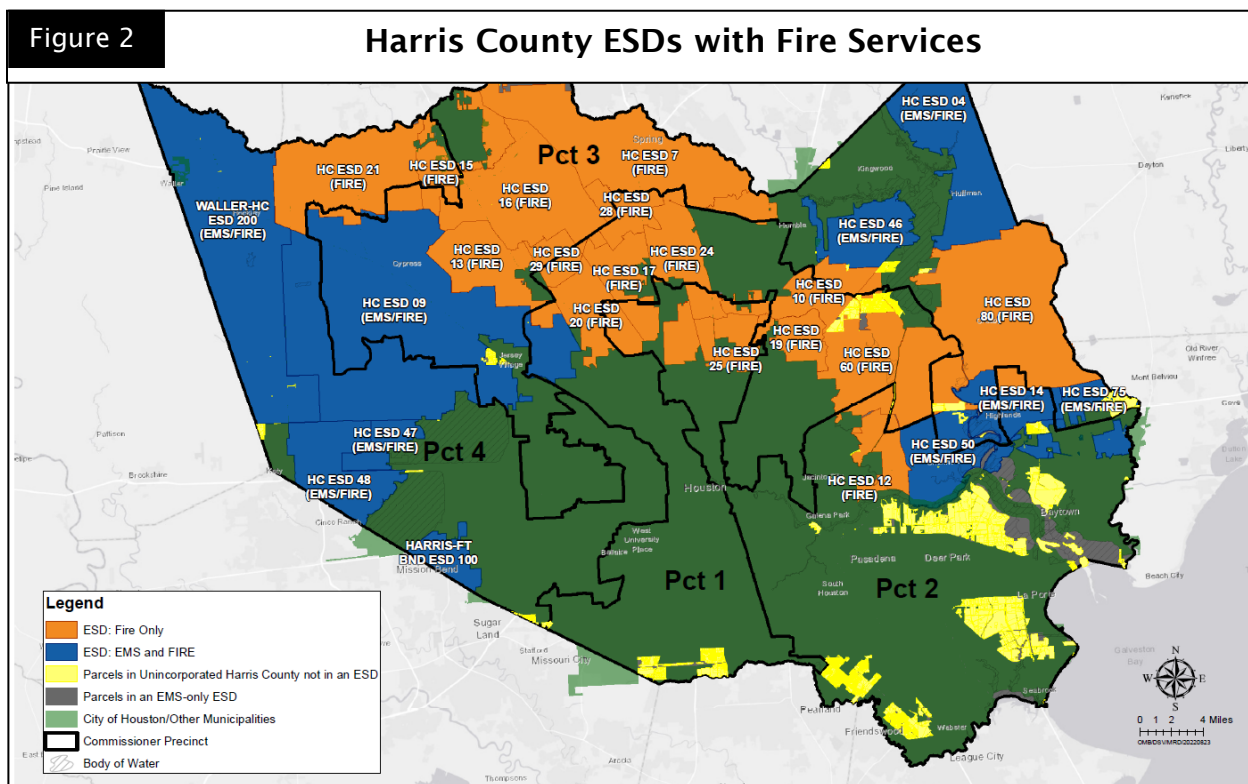
Figure 1

Harris County ESDs with EMS Services



Source: Harris County Appraisal District
Analysis: Office of Management and Budget

Figure 2 identifies the coverage area for fire only and fire/EMS ESDs in unincorporated Harris County, as well as the City of Houston and other municipalities located in Harris County. Figure 2 also identifies parcels in unincorporated Harris County that do not currently pay taxes to an ESD.



Source: Harris County Appraisal District
 Analysis: Office of Management and Budget

According to information provided by the Office of Management and Budget and by the Harris County Appraisal District, Harris County has a total of 1,467,904 parcels.⁵⁴ In total, 26,026 (1.8%) of those parcels are located in unincorporated Harris County and do not pay taxes to an ESD.^{xvii 55}

Some communities which are not covered by an ESD/municipality may receive fire/EMS services through other means, such as services offered at no cost by an ESD, an informal agreement with another ESD, a contract with a private provider, or a contract with a municipality.

Tax Revenue and Budget. The 33 ESDs in Harris County vary greatly in tax revenue collected, annual budget, and population size.

As a county with a population of over three million, all communities served by ESDs in Harris County are required to elect their ESD board commissioners. The board of the ESDs consists of five members who serve four-year terms.⁵⁶ In addition, ESDs located wholly in Harris County are required to submit a copy of their annual audit to the Harris County Clerk's Office on or before July 1 of each year.⁵⁷ The Harris County Clerk's Office then submits both original hard copies and a scanned version of all ESD

^{xvii} This includes parcels in/around the Houston Ship Channel which operate in an "Industrial District". This area receives fire/EMS services through private contracts.

annual audit reports received to the Office of Management and Budget for inclusion on the Commissioners Court's Agenda.⁵⁸

The 33 ESDs in Harris County collect revenue through voter-approved ad valorem (property) taxes.^{xviii} Twenty-five out of the 33 ESDs in Harris County also collect revenue through a sales tax. The Harris County Tax Assessor-Collector's Office is responsible for collecting the ad valorem tax revenue for Harris County ESDs, and the Texas Comptroller of Public Accounts is responsible for collecting and distributing the sales tax.^{59 60} The tax year (TY) for Harris County is June 30 through July 1 of the upcoming year.

In addition to ad valorem and sales tax revenue, ESDs may also receive revenue through providing services outside their boundaries, the sale of assets, donations and contributions, and interest earned on investments.

For a summary table of all 33 ESDs in Harris County, including their creation date, communities served, tax rates, total tax revenue, and TY2021 approved budget, please see **Appendix A**.

Figure 3 provides the ad valorem tax revenue for each of Harris County's 33 ESDs for TY2018-TY2021.^{xix}

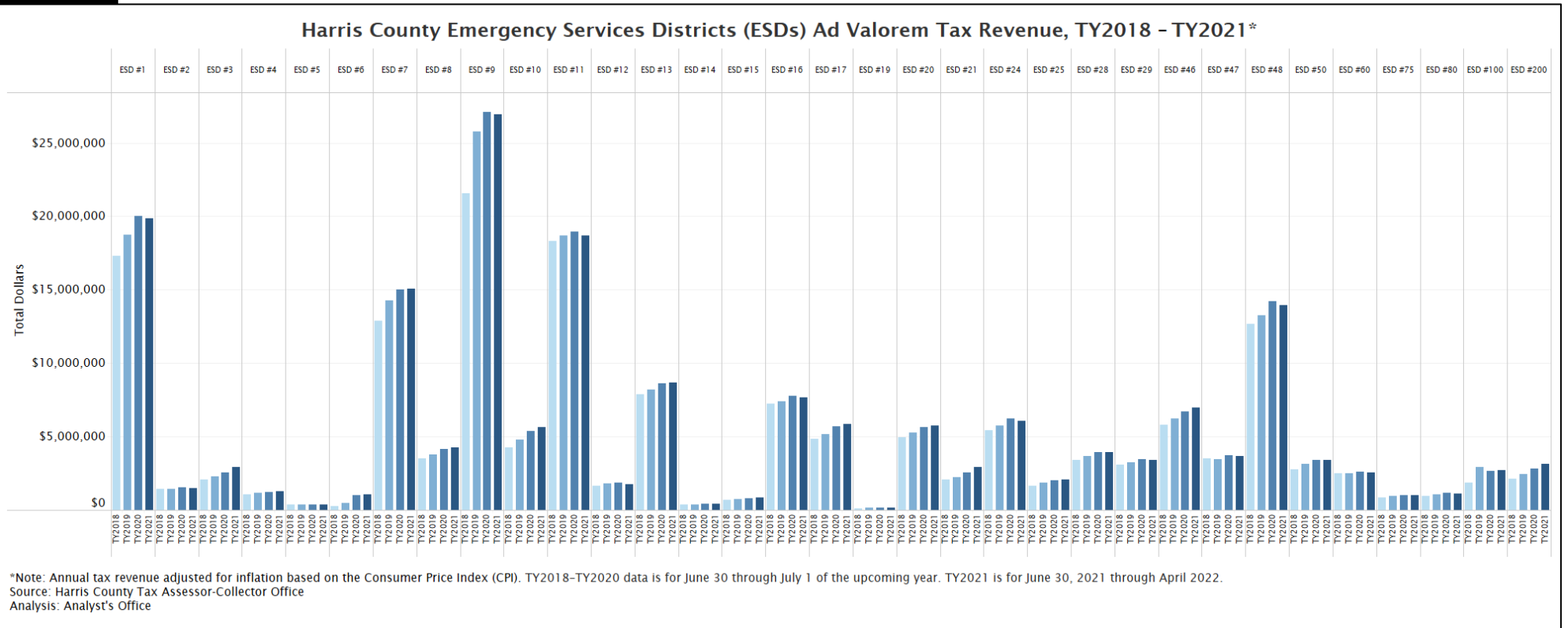
Highlights. Key highlights from Harris County ESDs' ad valorem tax revenue from TY2018-TY2021 include:

- The three ESDs with the highest ad valorem tax revenue in TY2021 are ESD No. 9 (Cy-Fair VFD) with \$26,934,127, ESD No. 1 (Harris County Emergency Corp) with \$19,881,791, and ESD No. 11 (Cypress Creek EMS) with \$18,683,004.
- ESD No. 21 (Rosehill VFD) experienced the greatest percent increase in their ad valorem tax revenue between TY2020 and TY2021 at 14.3% (from \$2,546,772 to \$2,910,946), followed by ESD No. 3, (Rosehill EMS), which saw an increase of 14.2% (from \$2,572,423 to \$2,936,799).

For a table of the ad valorem tax rates for each of Harris County's 33 ESDs for TY2018-TY2022, please see **Appendix B**.

^{xix} The estimated ad valorem tax revenue is calculated using an ESDs ad valorem tax rate and the estimated total property values in that ESD.

Figure 3



Harris County ESDs vary greatly in population. Three ESDs (No. 1, 9, 11) serve populations greater than 250,000 residents.⁶¹ In TY2021, ESD No. 9 (Cy-Fair VFD) is the most populous ESD in Harris County with 950,942 residents, and ESD No. 15 (Tomball Fire Department) is the least populous ESD in Harris County with 9,069 residents.⁶²

Figure 4 provides Harris County ESDs' total tax revenue (ad valorem and sales tax) per capita for TY2021. Eight out of the 33 Harris County ESDs do not collect a sales tax (ESD No. 1, 3, 8, 11, 19, 25, 75, 200). While the tax year for Harris County is June 30 through July 1 of the upcoming year, the most recent ad valorem tax data provided by the Harris County Tax Assessor-Collector's Office is from June 30, 2021, to April 2022. Sales tax data from the Texas Comptroller of Public Accounts is collected for the same period, June 2021 until April 2022, for consistency.

Highlights. Key highlights from Harris County ESDs' total tax collected (ad valorem and sales tax) per capita in TY2021 include:

- ESD No. 15 (Tomball FD) reports the highest total tax revenue per capita in TY2021, at \$279 per resident (ESD No. 15 serves the smallest population of all 33 ESDs, with 9,069 residents).
- ESD No. 9 (Cy-Fair VFD) serves the largest population, with 950,942 residents, and reports total tax revenue per capita of \$69 per resident.
- ESD No. 19 (Eastex VFD, Sheldon VFD) reports the lowest total tax revenue per capita, at \$12 per resident (ESD No. 19 serves the second smallest population of all 33 ESDs, with 12,128 residents). ESD No. 19 does not collect a sales tax.

Figure 4

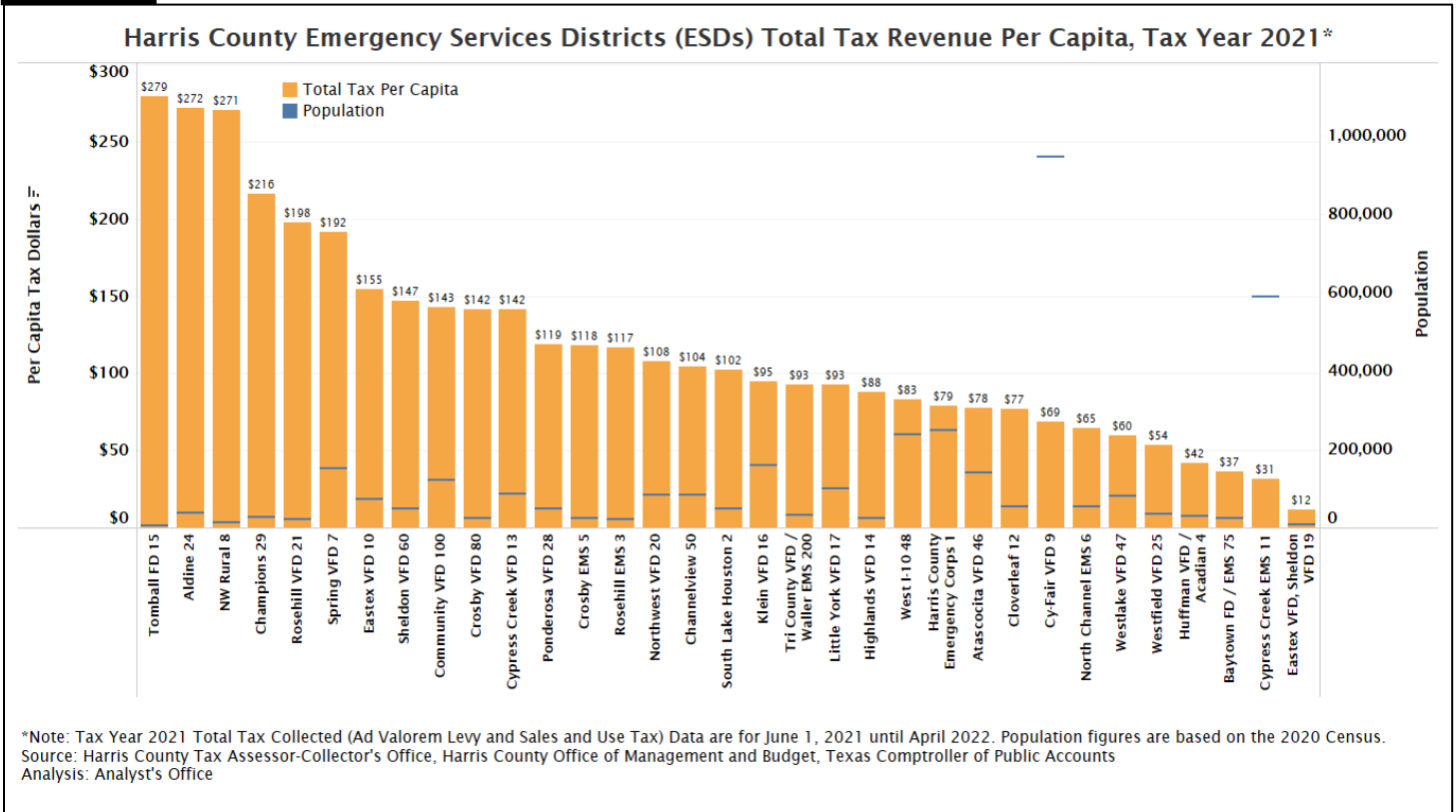
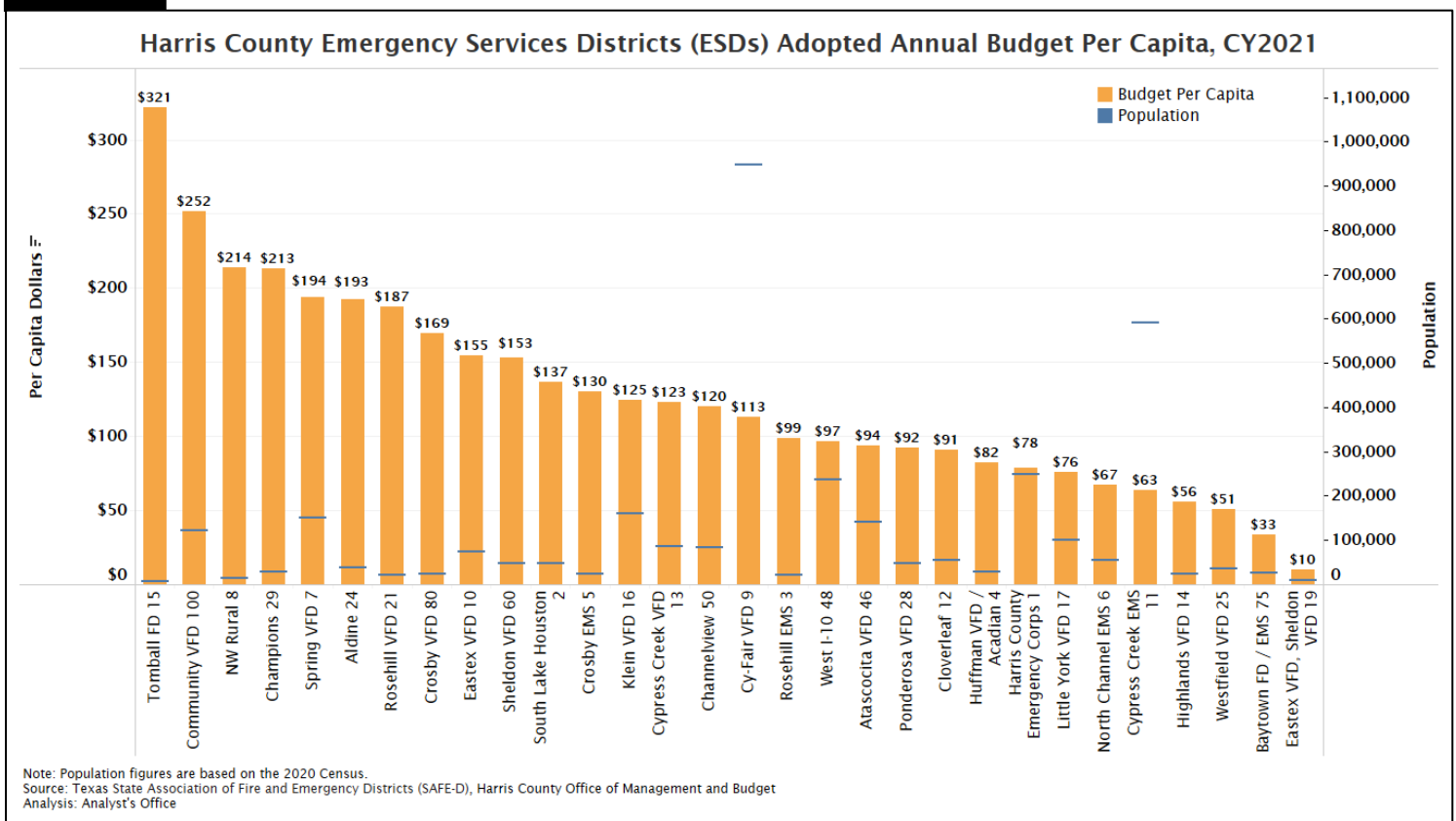


Figure 5 provides the adopted annual budget per capita for calendar year (CY) 2021 for 30 of Harris County’s ESDs. Emergency services districts’ adopted annual budgets are self reported to SAFE-D—adopted annual budgets for ESDs No. 20, 47, 200 were unavailable at the time of this memo.

Highlights. Key highlights from Harris County ESDs’ adopted annual budget per capita for CY2021 include:

- ESD No. 15 (Tomball FD), which reports the highest total tax revenue per capita in TY2021, also reports the highest adopted annual budget per capita in CY2021, at \$321 per resident (ESD No. 15 serves the smallest population of all 33 ESDs, with 9,069 residents).
- ESD No. 9 (Cy-Fair VFD) serves the largest population, with 950,942 residents, and reports an adopted annual budget per capita of \$113 per resident.
- ESD No. 19 (Eastex VFD, Sheldon VFD) reports the lowest adopted annual budget per capita, at \$10 per resident (ESD No. 19 serves the second smallest population of all 33 ESDs, with 12,128 residents).

Figure 5



Harris County Fire Marshal's Office (HCFMO) and Harris County Emergency Services Districts (ESDs). The HCFMO indicated that there are various ways that they maintain relationships with the leadership of Harris County ESDs. Examples include:

- **Communication.** The HCFMO maintains monthly standing meetings with several ESD fire chiefs, including through the West-side Chiefs' Meeting and the North-side Chiefs' Meeting. The HCFMO also participates in a quarterly meeting held by the Harris County Firefighter's Association, which is a Countywide coordinating organization whose membership is open to all ESDs in Harris County.^{63 64}
- **Reporting.** The HCFMO provides monthly status updates to fire chiefs in unincorporated areas of Harris County on investigations conducted by the HCFMO in the fire chiefs' respective territories.⁶⁵
- **Training.** The HCFMO's Training Division provides training to a variety of partners, including ESDs. Examples of trainings include hazardous materials operations trainings and interior firefighting trainings, among others.⁶⁶ The HCFMO also communicates regularly with ESDs about trainings they are hosting and provides information on courses available from other sources.⁶⁷

REGIONAL ASSESSMENT

Parts of the unincorporated area of a county may not receive fire/EMS services for various reasons. These may include unclear service provider boundaries, voter opposition towards annexation into an ESD or municipality, and the inclusion of industrial zones. For Harris County, 1.8% of the County does not belong to an ESD (or is within the boundaries of a municipality) as of 2021.

All four Harris County ESD fire chiefs interviewed for this project indicated that any solutions to address the potential lack of emergency services to any area of Harris County would most likely be best resolved on a case-by-case basis as compared to an overarching County-led solution.^{68 69 70 71}

For examples of service changes and/or lack of service coverage and strategies implemented to mitigate lack of service coverage in Bexar, Orange, Smith, and Travis counties, see **Appendix C**.

An assessment of events in other jurisdictions resulting in a loss of emergency services yielded several strategies that may be used to address a lack in fire/EMS coverage for communities.

Utilize Water Districts. A potential strategy is to fund firefighting services through an existing water district.

A previous example in Harris County was the McNair Community Volunteer Fire Department (VFD), which was funded through a water bill fee through Fresh Water

Control District 1A.^{xx 72} The fire department served McNair, an unincorporated area of approximately 0.9 square miles in east central Harris County.⁷³

The water bill fee was later removed and the McNair Community VFD was unable to maintain its activities due to a lack of funding and volunteer personnel.⁷⁴ Elections were held regarding the creation of an ESD or potential annexation into a neighboring ESD (No. 14); however, residents of McNair voted against both provisions.⁷⁵

Currently, McNair is temporarily receiving fire and EMS services at no-cost from ESD No. 14 (Highlands VFD). However, this is not a permanent solution and residents are in discussions with Harris County Commissioner Precinct Two and neighboring ESDs regarding a long-term solution.⁷⁶

Utilize Service Contracts. Another potential strategy is for communities to contract fire/EMS services with various providers. In discussing this potential strategy with Harris County ESD fire chiefs, all four interviewed supported requiring the inclusion of a “continuum” clause in contracts to assist with ensuring that an ESD or service provider cannot cancel a contract until they have found an alternative vendor to ensure there is no gap in service coverage.^{77 78 79 80} However, one fire chief also added that such a clause may not be useful unless there is some type of an enforcement mechanism.⁸¹

- **Contract with a municipality.**

- **Harris County**

- In 2009, the Harris County Commissioners Court agreed to renew fire service agreements with the cities of Baytown, Houston, and Stafford through interlocal agreements to cover areas of unincorporated Harris County that did not receive services through an ESD and were not annexed into a municipality.⁸² Each agreement stipulated the provision of services in the unincorporated areas by each respective city for varying amounts during a set period of time.⁸³ In the contracts with the cities of Baytown and Stafford, Harris County agreed to pay each city \$9,000 and \$3,600, respectively, for the periods of April 1, 2010, until September 30, 2010.^{84 85} In the contract with the City of Houston, Harris County agreed to pay \$20,000 for services through April 30, 2010.⁸⁶ A renewal for fire department services with the City of Baytown was approved during a February 2011 Commissioners Court, where the County agreed to pay \$100,000 to the City from April 1, 2011 until February 29, 2012.⁸⁷

- During the August 23, 2011, meeting of the Harris County Commissioners Court, a public hearing was held to consider the petition of the creation of Harris County Emergency Services District No. 75 for the purpose of providing “residents of the unincorporated areas surrounding Baytown, Texas with fire protection and emergency medical services.”^{88 89}

^{xx} Per Section 49.351 of the Texas Water Code.

An order to hold a special election on November 8, 2011, to vote on the ESD was discussed and approved.^{90 91} Voters approved the creation of ESD No. 75 through a special election held on November 8, 2011.^{92 93} ESD No. 75's initial five commissioners were elected on May 12, 2012, with the first tax revenues collected in November 2012.⁹⁴ It was not until February 1, 2013, that ESD No. 75 entered into an interlocal agreement with the City of Baytown to begin receiving firefighting and emergency services.⁹⁵

Subsequent renewals for fire department contracts were also made with the City of Stafford in 2012 and 2013. During a June 2012 Commissioners Court meeting, Harris County renewed a fire department contract with the City of Stafford for an amount not to exceed \$9,000 for the period of April 1, 2012, until March 31, 2013.⁹⁶ In April 2013, the Harris County Commissioners Court approved interlocal agreements with the City of Stafford, including for fire protection services in two fire zones in the amounts of \$12,000 and \$7,000, ending October 31, 2013.⁹⁷ In October 2013, the Commissioners Court executed an additional interlocal agreement for three fire zones where the City of Stafford would provide firefighting and fire protection services for "a mobile water supply fire apparatus" provided by the County.⁹⁸

In September 2020, the Harris County Commissioners Court approved an additional interlocal agreement, at the request of Precinct One Commissioner Rodney Ellis, with the City of Stafford to provide firefighting services to certain areas of unincorporated Harris County lacking coverage. The agreement is for ten years and states that the amount paid by Harris County is not to exceed \$300,000.⁹⁹

- **Travis County**

Another example where an interlocal agreement is used is in Travis County, where the County has an agreement with the City of Austin, which manages the Austin-Travis County (ATC) EMS, to provide EMS coverage for all of Travis County's unincorporated areas, including all municipalities (except Pflugerville). This agreement has been in place since the mid-1980s at an estimated annual cost of \$15-\$16 million.¹⁰⁰

- **Contract with an ESD.** In Smith County, Hideaway Lake, a gated, unincorporated community, voted against being annexed by the City of Lindale. Instead, the community opted to contract with ESD No. 1 through a dues system. Each residential lot pays a monthly fee of \$220 for fire protection services (but not EMS services).¹⁰¹
- **Contract with a private service provider.** In 2017, the City of Pflugerville's population growth made it a challenge for ATC EMS to continue providing EMS services. After an unsuccessful attempt to create a plan and share costs among the City, County, and ESD No. 2, the City of Pflugerville was without EMS services from Travis County or a local ESD.¹⁰²

To address the gap in EMS service coverage, the City of Pflugerville has contracted with a private EMS provider; however, the private provider is not currently part of the public (City/County) dispatch system and use their own dispatch.¹⁰³

Annexation into an existing ESD or municipality. In Harris County, two of the four ESD fire chiefs interviewed commented on challenges associated with annexing territories into their ESDs, including the requirements and costs for annexation of a territory into a district.^{xxi} In some cases, the cost is far greater than the funds that could potentially be collected on those properties. ESD leadership stated that it is often easier for ESDs to provide services to areas not officially part of the district's territory through an agreement rather than to officially annex a community.^{104 105}

As previously mentioned, an example of this is highlighted in McNair. Elections were held regarding the creation of an ESD or potential annexation into a neighboring ESD (No. 14); however, residents of McNair voted against both provisions.¹⁰⁶

Similarly, residents of Hideaway Lake voted against being annexed by the City of Lindale and instead opted to contract with ESD No. 1 through a dues system.¹⁰⁷

Legislative Strategy. Harris County previously included language addressing "Emergency Services in Extraterritorial Jurisdictions" on its 2021-2022 Legislative Agenda regarding the removal of territory based on a municipality's request only if a municipality "has secured an alternative emergency service provider for the portions of the territory located within the municipality's extraterritorial jurisdiction."¹⁰⁸ A potential strategy would be for Harris County to include similar language on its 2023-2024 Legislative Agenda.

For the full text of the language contained in Harris County's 2021-2022 Legislative Agenda, see **Appendix D**.

In an effort to support the legislative changes to ESDs, Harris County worked with two local delegates during the 87th Legislative session to file companion bills in the House and the Senate to address the issues.^{xxii} The proposed legislative change included adding a new section that stated, "The board shall remove territory from a district as provided by this Section, on request of a municipality, only if the municipality has secured an alternative emergency service provider for the portions of territory located in the municipality's extraterritorial jurisdiction."¹⁰⁹ The bills did not pass during the session.

^{xxi} Per Section 775.051 of the Texas Health and Safety Code

^{xxii} Texas State Representative Mike Schofield (R-Katy) during the 87th Legislative regular session to introduce House Bill 2323 to amend Chapter 775 of the Texas Health and Safety Code to help ensure continuous fire/EMS services. Additionally, the County worked with Texas State Senator Boris Miles (D-Houston) to file Senate Bill 1473, an identical companion to House Bill 2323.

POLICY CONSIDERATIONS

To address changes in/lack of service coverage, the Harris County Commissioners Court may choose to consider the following:

- **Support changes to the Texas Health and Safety Code to help ensure provision of services through Harris County’s 2023 Legislative Agenda.** Request Intergovernmental and Global Affairs (IGA) to place language on the County’s 2023 Legislative Agenda identical, or with similar intent, to the section titled “Emergency Services in Extraterritorial Jurisdictions” found on Harris County’s 2021-2022 Legislative Agenda.
- **Consider funding Fire/EMS services.** The Commissioners Court and other organizations may consider alternative funding for fire/EMS services in unincorporated areas not covered by an ESD, similar to Travis County’s use of an agreement with the City of Austin for the provision of EMS services for the entire County.
- **Encourage establishing and funding firefighting and EMS services through an existing water district.** Support unincorporated communities in the County in requesting the establishment and funding of firefighting and EMS services through their existing water district, similar to the strategy previously implemented in McNair, an unincorporated area in east central Harris County.

APPENDIX A

The table below provides a summary of all 33 ESDs in Harris County, including their creation date, communities served, tax rates, total tax revenue, and TY2021 approved budget.

ESDs receive a proportion of their annual revenue through the collection of ad valorem and sales tax. However, ESDs may have additional sources of revenue that are factored into their annual budgets. These may include, but are not limited to, service revenue, sale of assets, donations and contributions, and interest earned on investments. The table below solely captures that ad valorem tax levy and sales tax, where applicable.

Emergency Services Districts (ESDs) in Harris County¹¹⁰

| ESD Name | Service | Creation Date ^{xxiii} | Communities Served | Population 2020 Census ^{xxiv} | TY2021 Property Tax Rate ^{xxv} | TY2021 Property Tax Revenue | 2021 Sales Tax Rate | 2021 Sales Tax Revenue | 2021 Approved Budget ^{xxvi} |
|---|-----------|--------------------------------|----------------------------|--|---|-----------------------------|---------------------|------------------------|--------------------------------------|
| ESD 1: Harris County Emergency Corps | EMS Only | 1991 | Fall Creek/Aldine Area | 251,869 | 0.09431 | \$19,042,188 | None | None | \$19,744,990 |
| ESD 2: South Lake Houston | EMS Only | 1991 | Sheldon/South Lake Houston | 50,908 | 0.03000 | \$1,461,973 | 0.010 | \$3,724,809 | \$6,956,235 |
| ESD 3: Rosehill EMS | EMS Only | 1993 | Rosehill | 25,112 | 0.09919 | \$2,538,512 | None | None | \$2,486,000 |
| ESD 4: Huffman Volunteer Fire Department (VFD)/Acadian | Fire/EMS | 1994 | Huffman Area | 32,028 | 0.10000 | \$1,199,501 | 0.010 | \$69,827 | \$2,623,311 |
| ESD 5: Crosby EMS | EMS Only | 1994 | Crosby Area | 27,400 | 0.01766 | \$353,160 | 0.010 | \$2,862,562 | \$3,566,000 |
| ESD 6: North Channel EMS | EMS Only | 2002 | Cloverleaf | 57,902 | 0.03000 | \$934,938 | 0.005 | \$2,680,448 | \$3,881,240 |
| ESD 7: Spring VFD | Fire Only | 1978 | Spring Area | 153,861 | 0.09750 | \$14,358,828 | 0.010 | \$14,418,254 | \$29,846,263 |

^{xxiii} As provided by the Harris County Tax Assessor-Collector's Office, creation date references the first year a particular ESD levied a tax.

^{xxiv} Some ESDs provide fire or EMS services *only* thus serving overlapping populations/communities.

^{xxv} Property tax rate is for every \$100 of real property value assessed.

^{xxvi} 2021 Approved Budget data is self-reported by ESDs to SAFE-D. As such, some ESDs did not provide 2021 budget data to SAFE-D.

Emergency Services Districts (ESDs) in Harris County¹¹⁰

| ESD Name | Service | Creation Date ^{xxiii} | Communities Served | Population 2020 Census ^{xxiv} | TY2021 Property Tax Rate ^{xxv} | TY2021 Property Tax Revenue | 2021 Sales Tax Rate | 2021 Sales Tax Revenue | 2021 Approved Budget ^{xxvi} |
|--------------------------------------|-----------|--------------------------------|--|--|---|-----------------------------|---------------------|------------------------|--------------------------------------|
| ESD 8: NW Rural | EMS Only | 2003 | Tomball Area | 15,653 | 0.09425 | \$4,049,750 | None | None | \$3,350,271 |
| ESD 9: Cy-Fair VFD | Fire/EMS | 1983 | Bridgeland/ Towne Lake/Cypress Area | 950,942 | 0.05763 | \$25,831,342 | 0.010 | \$38,473,682 | \$107,615,342 |
| ESD 10: Eastex VFD | Fire Only | 1984 | Fall Creek | 76,524 | 0.10000 | \$4,998,959 | 0.010 | \$6,197,239 | \$11,845,000 |
| ESD 11: Cypress Creek EMS | EMS Only | 2004 | Klein/ Champion Forest/Spring Area | 593,420 | 0.03231 | \$18,020,777 | None | None | \$37,601,816 |
| ESD 12: Cloverleaf | Fire Only | 2002 | Cloverleaf | 57,902 | 0.05000 | \$1,793,695 | 0.005 | \$2,701,782 | \$5,258,004 |
| ESD 13: Cypress Creek VFD | Fire Only | 1984 | Lakewood Forest | 89,556 | 0.09803 | \$8,186,084 | 0.010 | \$4,013,348 | \$10,999,287 |
| ESD 14: Highlands VFD | Fire/EMS | 2000 | Highlands/ Lynchburg | 26,796 | 0.05000 | \$408,169 | 0.020 | \$1,923,972 | \$1,500,000 |
| ESD 15: Tomball FD | Fire Only | 2005 | Hayden Lakes/Albury Trails Estates | 9,069 | 0.04881 | \$777,952 | 0.010 | \$1,680,988 | \$2,915,532 |
| ESD 16: Klein VFD | Fire Only | 1984 | Champion Forest/Klein Area | 161,723 | 0.05000 | \$7,294,138 | 0.010 | \$7,704,119 | \$20,168,792 |
| ESD 17: Little York VFD | Fire Only | 1985 | Airline/ Aldine Area | 103,852 | 0.09745 | \$5,427,252 | 0.010 | \$3,763,560 | \$7,851,875 |

Emergency Services Districts (ESDs) in Harris County¹¹⁰

| ESD Name | Service | Creation Date ^{xxiii} | Communities Served | Population 2020 Census ^{xxiv} | TY2021 Property Tax Rate ^{xxv} | TY2021 Property Tax Revenue | 2021 Sales Tax Rate | 2021 Sales Tax Revenue | 2021 Approved Budget ^{xxvi} |
|--|-----------|--------------------------------|---|--|---|-----------------------------|---------------------|------------------------|--------------------------------------|
| ESD 19: Eastex VFD, Sheldon VFD | Fire Only | 1989 | Kinwood/ Dyersdale | 12,128 | 0.02577 | \$145,868 | None | None | \$121,509 |
| ESD 20: Northwest VFD | Fire Only | 1984 | Woodgate | 86,360 | 0.10000 | \$5,406,286 | 0.010 | \$3,590,645 | N/A |
| ESD 21: Rosehill VFD | Fire Only | 1985 | Rosehill | 25,112 | 0.09921 | \$2,514,751 | 0.010 | \$2,063,798 | \$4,700,000 |
| ESD 24: Aldine | Fire Only | 1984 | Westfield/ Aldine Area | 40,489 | 0.09911 | \$5,913,687 | 0.010 | \$4,960,175 | \$7,800,000 |
| ESD 25: Westfield VFD | Fire Only | 1984 | Greenwood Village/ Westfield Estates | 38,432 | 0.10000 | \$1,992,361 | None | None | \$1,947,000 |
| ESD 28: Ponderosa VFD | Fire Only | 1984 | Bammel Area | 51,167 | 0.10000 | \$3,700,085 | 0.010 | \$2,119,477 | \$4,702,720 |
| ESD 29: Champions | Fire Only | 1984 | Greenwood Forest/ Willowbrook Area | 29,967 | 0.10000 | \$3,295,492 | 0.010 | \$3,081,587 | \$6,381,000 |
| ESD 46: Atascocita VFD | Fire/EMS | 2001 | Kingwood Glen/ Atascocita Area | 143,500 | 0.10000 | \$6,429,700 | 0.010 | \$4,216,919 | \$13,469,009 |
| ESD 47: Westlake VFD | Fire/EMS | 1984 | Area West of Addicks Reservoir | 85,144 | 0.08400 | \$3,547,764 | 0.010 | \$1,384,298 | N/A |

Emergency Services Districts (ESDs) in Harris County¹¹⁰

| ESD Name | Service | Creation Date ^{xxiii} | Communities Served | Population 2020 Census ^{xxiv} | TY2021 Property Tax Rate ^{xxv} | TY2021 Property Tax Revenue | 2021 Sales Tax Rate | 2021 Sales Tax Revenue | 2021 Approved Budget ^{xxvi} |
|--|-----------|--------------------------------|------------------------------------|--|---|-----------------------------|---------------------|------------------------|--------------------------------------|
| ESD 48: West I-10 | Fire/EMS | 1984 | Lakes of Bridgewater | 240,020 | 0.09523 | \$13,494,195 | 0.010 | \$5,953,817 | \$23,205,000 |
| ESD 50: Channelview | Fire/EMS | 2003 | Channelview Area | 85,994 | 0.05000 | \$3,411,435 | 0.010 | \$5,566,735 | \$10,317,752 |
| ESD 60: Sheldon VFD | Fire Only | 1992 | Sheldon Area | 50,099 | 0.05000 | \$2,495,449 | 0.010 | \$4,798,889 | \$7,676,000 |
| ESD 75: Baytown FD/EMS | Fire/EMS | 2012 | Coady/Cedar Bayou Area | 28,220 | 0.10000 | \$990,740 | None | None | \$941,000 |
| ESD 80: Crosby VFD | Fire Only | 1998 | Crosby Area | 27,400 | 0.05000 | \$1,117,756 | 0.010 | \$2,767,956 | \$4,640,479 |
| ESD 100: Community VFD | Fire/EMS | 1998 | Area Southeast of Barker Reservoir | 124,984 | 0.08675 | \$2,534,104 | 0.010 | \$15,139,098 | \$31,437,677 |
| ESD 200: Tri County VFD/Waller County EMS | Fire/EMS | 2002 | Hockley/Waller Area | 34,042 | 0.09880 | \$2,692,040 | None | None | N/A |

APPENDIX B

The table below provides the ad valorem (property tax) rates for each of the 33 Harris County ESDs included for TY2018-TY2021.

| Harris County Emergency Services District (ESDs) Ad Valorem Tax Rate per \$100 of Real Property Value, TY2018-2021 | | | | |
|---|---------------|---------------|---------------|---------------|
| ESD Name | TY2018 | TY2019 | TY2020 | TY2021 |
| ESD 1: Harris County Emergency Corps | .1000¢ | .1000¢ | .0972¢ | .0943¢ |
| ESD 2: South Lake Houston | .0300¢ | .0300¢ | .0300¢ | .0300¢ |
| ESD 3: Rosehill EMS | .1000¢ | .1000¢ | .1000¢ | .0992¢ |
| ESD 4: Huffman Volunteer Fire Department (VFD) / Acadian | .0996¢ | .1000¢ | .1000¢ | .1000¢ |
| ESD 5: Crosby EMS | .0199¢ | .0190¢ | .0177¢ | .0177¢ |
| ESD 6: North Channel EMS | .0084¢ | .0134¢ | .0260¢ | .0300¢ |
| ESD 7: Spring VFD | .0961¢ | .0994¢ | .0997¢ | .0975¢ |
| ESD 8: NW Rural | .0983¢ | .0967¢ | .0970¢ | .0942¢ |
| ESD 9: Cy-Fair VFD | .0527¢ | .0598¢ | .0595¢ | .0576¢ |
| ESD 10: Eastex VFD | .1000¢ | .1000¢ | .1000¢ | .1000¢ |
| ESD 11: Cypress Creek EMS | .0361¢ | .0347¢ | .0333¢ | .0323¢ |
| ESD 12: Cloverleaf | .0500¢ | .0500¢ | .0500¢ | .0500¢ |
| ESD 13: Cypress Creek VFD | .1000¢ | .1000¢ | .1000¢ | .0980¢ |
| ESD 14: Highlands VFD | .0500¢ | .0500¢ | .0500¢ | .0500¢ |
| ESD 15: Tomball FD | .0470¢ | .0457¢ | .0488¢ | .0488¢ |

| Harris County Emergency Services District (ESDs) Ad Valorem Tax Rate per \$100 of Real Property Value, TY2018-2021 | | | | |
|--|--------|--------|--------|--------|
| ESD Name | TY2018 | TY2019 | TY2020 | TY2021 |
| ESD 16: Klein VFD | .0496¢ | .0495¢ | .0500¢ | .0500¢ |
| ESD 17: Little York VFD | .1000¢ | .1000¢ | .0990¢ | .0975¢ |
| ESD 19: Eastex VFD, Sheldon VFD | .0300¢ | .0300¢ | .0243¢ | .0258¢ |
| ESD 20: Northwest VFD | .1000¢ | .1000¢ | .1000¢ | .1000¢ |
| ESD 21: Rosehill VFD | .1000¢ | .1000¢ | .1000¢ | .0992¢ |
| ESD 24: Aldine | .1000¢ | .1000¢ | .1000¢ | .0991¢ |
| ESD 25: Westfield VFD | .1000¢ | .1000¢ | .1000¢ | .1000¢ |
| ESD 28: Ponderosa VFD | .1000¢ | .1000¢ | .1000¢ | .1000¢ |
| ESD 29: Champions | .1000¢ | .1000¢ | .1000¢ | .1000¢ |
| ESD 46: Atascocita VFD | .1000¢ | .1000¢ | .1000¢ | .1000¢ |
| ESD 47: Westlake VFD | .0900¢ | .0850¢ | .0840¢ | .0840¢ |
| ESD 48: West I-10 | .1000¢ | .1000¢ | .0994¢ | .0952¢ |
| ESD 50: Channelview | .0500¢ | .0500¢ | .0500¢ | .0500¢ |
| ESD 60: Sheldon VFD | .0500¢ | .0500¢ | .0500¢ | .0500¢ |
| ESD 75: Baytown FD / EMS | .1000¢ | .1000¢ | .1000¢ | .1000¢ |
| ESD 80: Crosby VFD | .0483¢ | .0500¢ | .0500¢ | .0500¢ |
| ESD 100: Community VFD | .0680¢ | .1000¢ | .0850¢ | .0868¢ |
| ESD 200: Tri County VFD / Waller County EMS | .0995¢ | .1000¢ | .1000¢ | .0988¢ |

Appendix C: Service Coverage in Other Texas Counties

The table below summarizes examples of service changes and/or lack of service coverage and strategies implemented to mitigate lack of service coverage in Bexar, Orange, Smith, and Travis counties.

| Service Coverage in Other Texas Counties | | | | |
|---|--|--|--|---|
| | Bexar County | Orange County | Smith County | Travis County |
| Population ¹¹¹ | 2,009,324 | 84,808 | 233,479 | 1,290,188 |
| Unincorporated Population ¹¹² | 415,492 | 39,547 | 102,040 | 238,438 |
| Land Area (Sq Miles) ¹¹³ | 1,240 | 334 | 921 | 994 |
| Population (Per Sq Mile) ¹¹⁴ | 1,620 | 254 | 253 | 1,298 |
| Number of ESDs | 12 | Four ¹¹⁵ | Two | 12 |
| Examples of Service Changes / Lack of Coverage | -Volunteer Fire Department (VFD) that covers an area that otherwise does not receive services. ¹¹⁶ | - No details on lack of coverage. ¹¹⁷ | -Hideaway Lake, a gated, unincorporated community, in Northwestern Smith County, voted against being annexed by the City of Lindale and opted out of joining ESD #1. ¹¹⁸ -Tyler Pipe Company is an industrial zone in Smith County that has an industrial fire brigade. ¹¹⁹ | -In 2017, Pflugerville's population growth made it a challenge for ATC EMS to continue providing EMS services. After an unsuccessful attempt to create a plan and share costs among the City, County, and ESD #2, the City of Pflugerville was without EMS services from Travis County or a local ESD. ¹²⁰ |
| Strategies to Address Service Change / Lack of Coverage | - The Volunteer Fire Department (VFD) does not collect any tax dollars from residents it serves and collects a marginal fee from the municipality. Bexar County pays a stipend to the VFD, which helps | -No details on strategies. ¹²² | -Hideaway Lake contracts with ESD #1 through a dues system. Each residential lot pays a monthly fee of \$220 for fire protection services. ¹²³ -Tyler Pipe Company supplements its industrial fire brigade | -Interlocal agreement with the City of Austin for EMS services. The Austin-Travis County (ATC) EMS is a City of Austin department; however, Travis County pays an annual contract fee for ATC EMS to cover all of unincorporated Travis County, including all |

Service Coverage in Other Texas Counties

| | Bexar County | Orange County | Smith County | Travis County |
|--|---|---------------|--|--|
| | offset some of their operating expenses. The VFD is currently transitioning into an ESD. ¹²¹ | | through a contract with ESD #1. ¹²⁴ | <p>other municipalities with exception to the City of Pflugerville.¹²⁵</p> <p>-To address the gap in EMS service coverage, the City of Pflugerville has contracted with a private EMS provider; however, the private provider is not currently part of the public (City/County) dispatch system and use their own dispatch.¹²⁶</p> |

Appendix D: Harris County Legislative Agenda 2021-2022

The language below is from the section entitled “Emergency Services in Extraterritorial Jurisdictions” found in Harris County’s 2021-2022 Legislative Agenda.

“Background: Currently, a jurisdiction can relinquish its responsibility to provide emergency services in a city’s extraterritorial jurisdiction (ETJ) where it is providing services to without securing an alternative emergency service provider. This presents a problem that can, and has, left county residents in an ETJ without emergency services. For instance, when one city failed to annex territory in Harris County, the EMS service in that territory was dropped with the expectation that Harris County would then cover those services. However, the County does not provide EMS services and the residents in that territory suffered a gap in service until an alternative solution was implemented. Harris County aims to protect and ensure the safety of the entirety of its community and prevent similar gaps in essential services in the future.

Legislative Solution: The Texas Legislature should pass legislation that allows the board of commissioners of emergency services to remove territory from a district on the request of a municipality only if the municipality has secured an alternative emergency service provider for the portions of the territory located within the municipality’s extraterritorial jurisdiction.”¹²⁷

ENDNOTES

- ¹Analyst's Office email correspondence with Laurie Christensen and Rodney Reed, Harris County Fire Marshal's Office, February 18, 2022.
- ² Texas Senate Research Center. Invisible Government: Special Purpose Districts in Texas. Retrieved March 17, 2022, from https://texashistory.unt.edu/ark:/67531/metapth838532/m2/1/high_res_d/UNT_2016_0015_0023.pdf
- ³ Analyst's Office email correspondence with Laurie Christensen and Rodney Reed, Harris County Fire Marshal's Office, February 18, 2022.
- ⁴ LOCAL GOVERNMENT CODE CHAPTER 352. COUNTY FIRE PROTECTION. (n.d.). Retrieved April 25, 2022, from <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.352.htm>
- ⁵ LOCAL GOVERNMENT CODE CHAPTER 352. COUNTY FIRE PROTECTION. (n.d.). Retrieved April 25, 2022, from <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.352.htm>
- ⁶ LOCAL GOVERNMENT CODE CHAPTER 352. COUNTY FIRE PROTECTION. (n.d.). Retrieved April 25, 2022, from <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.352.htm>
- ⁷ Twitter. @hcfmo [@hcfmo]. (2020, February 26). *Congratulations Chief Laurie L. Christensen on your reappointment as the Harris County Fire Marshal at yesterday's Commissioners Court. Thank you for making #HarrisCounty a safer place to live in for our families and friends.* <https://t.co/w2kvZZwcDm> [Tweet]. Twitter. <https://twitter.com/hcfmo/status/1232729563295297548>
- ⁸ LOCAL GOVERNMENT CODE CHAPTER 352. COUNTY FIRE PROTECTION. (n.d.). Retrieved April 25, 2022, from <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.352.htm>
- ⁹ CODE OF CRIMINAL PROCEDURE CHAPTER 2. GENERAL DUTIES OF OFFICERS. (n.d.). Retrieved August 11, 2022, from <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.2.htm>
- ¹⁰ CODE OF CRIMINAL PROCEDURE CHAPTER 14. ARREST WITHOUT WARRANT. (n.d.). Retrieved August 11, 2022, from <https://statutes.capitol.texas.gov/Docs/CR/htm/CR.14.htm>
- ¹¹ CIVIL PRACTICE AND REMEDIES CODE CHAPTER 30. MISCELLANEOUS PROVISIONS. (n.d.). Retrieved August 23, 2022, from <https://statutes.capitol.texas.gov/Docs/CP/htm/CP.30.htm>
- ¹² Texas Administrative Code. (n.d.). Retrieved August 11, 2022, from [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=13&ch=449&rl=1](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=13&ch=449&rl=1)
- ¹³ Texas Administrative Code. (n.d.). Retrieved August 11, 2022, from [https://texreg.sos.state.tx.us/public/readtac\\$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=13&ch=449&rl=201](https://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=37&pt=13&ch=449&rl=201)
- ¹⁴ LOCAL GOVERNMENT CODE CHAPTER 352. COUNTY FIRE PROTECTION. (n.d.). Retrieved April 25, 2022, from <https://statutes.capitol.texas.gov/Docs/LG/htm/LG.352.htm>
- ¹⁵ Texas Public Policy Foundation Special Purpose District. (n.d.). Retrieved April 26, 2022 from <https://www.texaspolicy.com/wp-content/uploads/2018/08/Special-Purpose-Districts-copy.pdf>.
- ¹⁶ Texas Public Policy Foundation Special Purpose District. (n.d.). Retrieved April 26, 2022 from <https://www.texaspolicy.com/wp-content/uploads/2018/08/Special-Purpose-Districts-copy.pdf>.
- ¹⁷ Texas Public Policy Foundation Special Purpose District. (n.d.). Retrieved April 26, 2022 from <https://www.texaspolicy.com/wp-content/uploads/2018/08/Special-Purpose-Districts-copy.pdf>.
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The Harris County Commissioners Court's Analyst's Office provides the Harris County Commissioners Court members with objective, nonpartisan, and timely fiscal and policy analysis related to the efficiency and effectiveness of various County operations.

This memo was prepared by Ramin Naderi, Analyst and Laila Elimam, Analyst.

Commissioners Court's Analyst's Office
1001 Preston Street, 7th Floor
Houston, Texas 77002

Main: (832) 927-6900
Email: info@ccao.hctx.net